IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 20TH OCTOBER 2006 / 28TH ASWINA 1928

Bail Appl..No. 5916 of 2006()

CRIME NO.193/2006 OF EDAVANNA POLICE STATION

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PETITIONERS/ACCUSED NOS.1 AND 2

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1. MUJEEB RAHMAN ALIAS MON,
   S/O.T.K.MOIDEEN, AGED 24 YEARS,
   THEKKINIKKADAN HOUSE, KUNNUMMAL,
   EDAVANNA P.O., ERNAD TALUK,
   MALAPPURAM DISTRICT.

2. MANOJ BABU, S/O.T.K.MOIDEEN,
   AGED 29 YEARS, THEKKINIKKADAN HOUSE,
   KUNNUMMAL, EDAVANNA P.O.,
   ERNAD TALUK, MALAPPURAM DISTRICT.

BY ADV. SMT.S.SMITHA (PARAKKAL)

RESPONDENTS: COMPLAINANT AND STATE

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1. THE CIRCLE INSPECTOR OF POLICE,
   WANDOOR POLICE STATION,
   WANDOOR, MALAPPURAM DISTRICT.

2. THE STATE OF KERALA,
   REP. BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/10/2006, ALONG WITH BA NO. 5919 OF 2006 and BA.NO.6223/2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. Nos. 5916/2006, 5919/2006 and 6223/2006

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Dated this the 20th day of October, 2006

O R D E R

The petitioners are accused in Crime No.193/2006 of Edavanna Police Station, for the offence punishable under Sections 341 and 302 I.P.C., read with Section 34 of the Indian Penal Code.

2. The prosecution allegation is that the deceased Najib, is the son-in-law of the fifth accused. The daughter of the fifth accused and deceased-Najib, had estranged themselves and, therefore, the relationship was severed through a divorce, as per the personal law, applicable to the parties. The deceased went to fetch the daughter, who was studying at the local Madrassa. The fifth accused intervened. There was an altercation and injury was caused to the deceased. The prosecution submits that while he was going to get the treatment from the hospital, the accused have chased him, intercepted him and inflicted injuries. Because of the severity of

the injuries, he succumbed to the same, on 24/08/2006, at 9.30 a.m., the date of occurrence itself. Thus, the offence.

3. Accused Nos.1 and 2, are the petitioners in B.A.No.5916/2006, accused Nos.3 and 4, are the petitioners in B.A.No.5919/2006, and the fifth accused is the petitioner in B.A.No.6223/2006. They are before this Court for bail.

4. I heard the arguments advanced by both sides. The investigation is nearly complete. The petitioners, the deceased and the witnesses, are from the same locality, and are near relatives. There is every possibility of the petitioners, attempting to influence the witnesses and also interfering with the investigation, if they are released on bail, submits the prosecution. The learned counsel for the petitioners, on the other hand submits that the petitioners are ready to even be away from the locality, so as to avoid any untoward incident, as well as to avoid the fears expressed by the prosecution.

5. Considering the facts of this case and the stage of the investigation, I grant bail to the petitioners and release them from jail, subject to the following conditions:-

i. Each petitioner shall execute a bond for Rs.50,000/-, with two solvent sureties each for the like sum, to the satisfaction of the Judicial Magistrate of the First Class-I, Manjeri.

ii. Immediately on release from jail, the petitioners shall report to the C.I of Police, Wandoor Police Station, who is investigating Crime No.193/2006 of Edavanna Police Station, and from there they shall proceed out of the Malappuram District.

iii. They shall not enter the Malappuram District, for a period of three months.

iv. The petitioners shall report their residential addresses and also the police station limit, within which they would reside, during the above period of three months.

v. The petitioners shall not leave the State of Kerala, until the final trial and

disposal of the sessions case.

vi. The petitioners shall, on completion of the above period of three months, may enter their residence and shall report to the Wandoor Police Station Circle Inspector, on the first working day of every month, between 10 a.m and 11 a.m, till the completion of the trial and final disposal of the sessions case.

vii. The petitioners shall surrender their passport to the Investigating Officer, immediately on their release.

The application is accordingly, closed.

(J.M.JAMES)
Judge

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